

Increased Floor Space Ratio Controls for Certain Land Zoned B4 Mixed Use and R4 High Density Residential Land Within the Auburn Local Government Area

Proposal Title : Increased Floor Space Ratio Controls for Certain Land Zoned B4 Mixed Use and R4 High Density Residential Land Within the Auburn Local Government Area

Proposal Summary : The Planning Proposal seeks an amendment to the Auburn LEP 2010 to achieve:
 A) an increase in the Maximum Floor Space Ratio (FSR) from 3:1 and 3.6:1 to 5:1 for certain land zoned B4 Mixed Use in Auburn and Lidcombe Town Centres and
 B) an increase in the Maximum Floor Space Ratio (FSR) from 1.4:1 to 2:1 for all land zoned R4 High Density Residential, with the exception of land owned by Housing NSW at 2-36 Church Street, Lidcombe and at the corner of Rawson Road and Macquarie Street, Auburn.

PP Number : PP_2011_AUBUR_008_00 **Dop File No :** 11/18229

Proposal Details

Date Planning Proposal Received :	17-Oct-2011	LGA covered :	Auburn
Region :	Sydney Region West	RPA :	Auburn Council
State Electorate :	AUBURN	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :

Suburb : **City :** **Postcode :**

Land Parcel : See Figures 1 and 2 of the Planning Proposal for the location of the lands to which this proposal relates.

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	599,541.00	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting Notes :

Background

Council resolved at the Ordinary meeting of Council on 20 October 2010 to prepare a number of planning proposals to amend the Auburn LEP 2010.

This proposal relates to items 1a) and 1b) of the resolution 257/10 to increase the FSRs to a maximum of 5:1 (from 3:1 and 3.6:1) for certain land zoned B4 with a maximum building height limit 32m and 36m within the Auburn and Lidcombe Town Centres and to increase FSRs across all R4 zoned land to 2:1 (from 1.4:1)

*Note that no estimates have been provided for the increase in dwellings that are likely to result from the proposal.

A previous planning proposal emanating from the same council resolution relating to increasing the maximum height in Auburn and Lidcombe town centres to 55m and increasing the FSR to 8.8:1 was refused by the department.

Although no supporting studies have been provided with this planning proposal, the entire council report for the 20 October 2010 containing parts of internal council documents relating to the proposal has been included.

These internal council documents state, in part:

*Economic work undertaken by AEC Consultants to inform the Auburn Town Centre Strategy 2031 says that increasing the development standards (ie. maximum FSRs and maximum building heights) may be detrimental to the growth of the Town Centres.

*Council's Dwelling Target Analysis demonstrates that no increases in building envelope controls are necessary to meet the dwelling growth espoused in the West Central Draft Subregional Strategy.

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*Resolution 1(b), relating to increasing the FSR for R4 zoned land, was investigated by GMU to interrogate the appropriateness of increasing the floor space ratio (FSR) for residential flat building development in the R4 zone from 1.4:1 to 2:1. The conclusion of this work found that the increase in FSR would result in a number of social and environmental impacts and as a result the increase in FSR was not supported by GMU.

The Lobbyist Contact Register has been checked and there has been no meetings with registered lobbyists in relation to this proposal.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The statement of objectives provided is consistent with departmental guidelines

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The explanation of provisions provided is consistent with departmental guidelines

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

* May need the Director General's agreement

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Infrastructure) 2007

e) List any other
matters that need to
be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

The planning proposal is inconsistent with s.117 4.3 Flood Prone Land in that it proposes to permit a significant increase in development on land within a Flood Planning Area. In order to overcome this inconsistency the planning proposal will need to demonstrate consistency with clause 9(a) of s.117 4.3 Flood Prone Land ie. that it is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.

This information can be supplied prior to exhibition if approved at Gateway.

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The consideration of SEPP 55 is not considered necessary for this proposal as no rezoning is proposed.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Mapping is adequate for exhibition

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : A consultation methodology has been provided.

It is recommended that the proposal be exhibited for 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : This report recommends that the planning proposal be amended and resubmitted to the Gateway prior to exhibition. It is recommended that the Gateway include the following condition in it's determination:

The RPA is to demonstrate that any proposed density increases are consistent with clause 9(a) of s.117 Direction 4.3 Flood Prone Land.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : It would have been preferable for council to have supplied indicative increases in dwelling numbers and jobs as well as an indication of impact on infrastructure as a result of the proposal. This information was specifically requested of council however council stated that it's intention was to provide this information after Gateway determination and prior to exhibition.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Auburn (Principal) LEP 2010 was notified in October 2010. The Planning Proposal seeks to amend certain maximum floor space ratio (FSR) maps in this LEP.

Assessment Criteria

Need for planning proposal :

The planning proposal does not provide sufficient justification to increase the floor space ratio in the R4 zone across the LGA or across the entire B4 zone within the Lidcombe town centre and certain sites within the the Auburn town centre. The council is relying on further studies to support the proposal.

In addressing the need for the planning proposal and the implications of not proceeding at this time it is stated at p.14 of the proposal that:

'It is difficult to determine the implications of not proceeding at this time as the current planning controls were introduced less than a year ago and it is difficult to determine whether the FSR controls for the R4 High Density Residential and B4 Mixed Use zones are adequate or sufficient to stimulate the revitalisation of these areas.'

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Consistency with strategic planning framework :

Nevertheless, higher densities are, prima facie, acceptable, however, supporting studies are required. It is considered that the current proposal is too limited in scope and that a more holistic review of planning controls in the town centres could take into account the need (or not) for increased height limits as well as FSR increases.

The two Housing NSW sites, which are excluded from the present proposal (see Figure 2 of the proposal), could be included in the review as could anomalous and inconsistent zonings such as the R2 zone in the middle of the Auburn Town Centre (to the east of the rail line along North [Gelibolu] Parade) as shown on Figure 3 of the planning proposal.

Although the proposal is consistent with the Sydney Metropolitan Plan, particularly in terms of objectives D1 (adequate supply of land and sites for residential development), Objective D3 (to improve affordability) and D4 (improved quality of new development and urban renewal), in terms of the centres hierarchy the proposal is not consistent. If the planning proposal were implemented, Lidcombe and Auburn Town Centres would have floor space ratios more appropriate for a Major Centre.

The current maximum floor space ratio in Auburn Town Centre is 3.0:1 for most sites, with a range from 2.4:1 in the retail core to 3.75:1 for Auburn Central. Maximum floor space ratios in Lidcombe are 3.4:1 or 3.6:1. Thus the proposed FSR controls would result in an increase of almost 200% in the amount of development permitted in Auburn Town Centre, compared with current controls. In Lidcombe the increase would be around 150%.

Any increase in FSR in the town centres would result in a need for an increase in height limits in order to provide functional and sustainable building designs. The proposal does not recommend any changes to building heights.

Existing development standards in Auburn and Lidcombe are in line with standards for other comparable town centres across Sydney. For instance:

Auburn current FSR 3.0:1, height 27m -36m with a small part up to 49m
Lidcombe current FSR 3.4-3.6:1, height 32-36m

Rockdale, FSR 3.5:1, height 27m
Wolli Creek, FSR 3.0:1, height 40m
Sutherland, FSR 3.0:1, height 32m
Cronulla, FSR 3.5:1, height 32m
Miranda, FSR 2.5:1, height 28m
Manly Cove, FSR 3.0:1, height 25m

Only in major centres do FSRs approach those proposed for Auburn and Lidcombe (and even then only in some locations). Bankstown, West Central Subregion's Major Centre, has a FSR ranging from 3:1 to 4.5:1 (no height standards are specified in the Bankstown LEP), with the higher end FSR only in a limited area of several blocks.

The Parramatta City Centre LEP, West Central Subregion's Regional City, has maximum floor space ratios ranging generally from 3.0:1 to 10.0:1 with heights of buildings of between 36-120m.

Environmental social economic impacts :

1. FSR INCREASE IN TOWN CENTRES

The "Urban Design Density Study" prepared for council in September 2010 (not provided with, or referred to, in this proposal) shows that a proposal to increase maximum heights in the Town Centres to 57 metres with a floor space ratio of 5:1 would result in severe environmental impacts.

The environmental impacts of such densities were identified as:

- Significant overshadowing of open space and the public domain;
- Poor solar access within the centres;
- Poor solar access to adjoining residential areas;
- "Wind wash" effects;
- Poor amenity due to the above; and

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- Poor urban design outcomes.

The urban design study concludes that "should Council consider increasing the height and FSR within the B4 zone, that it be adopted in certain locations only" (GMU Urban Design Density Study 2010, p. 30). The study also recommends that if Council wishes to do this, a detailed urban design analysis of all blocks within the B4 zone should be undertaken to inform the preparation of detailed new Development Control Plan controls.

The current proposal limits the increase in FSR in the Auburn town centre B4 zone to several locations that have existing building height limits of 32 and 36 metres, although in the Lidcombe town centre the entire B4 zone is proposed to be increased to 5:1.

2. DEVELOPMENT WITHIN FLOOD PLANNING AREA

Approximately 50% of the Lidcombe Town Centre is situated in the Flood Planning Area identified in Auburn LEP 2010. The planning proposal does not provide adequate consideration of substantially increasing population in an area affected by flood risk or consistency with the Floodplain Development Manual 2005.

3. IMPACT OF PROPOSAL ON INFRASTRUCTURE REQUIREMENTS

There is no information provided on the increased number of dwellings, population or employment which would result from the planning proposal.

There have been no studies as to whether there is adequate infrastructure capacity to accommodate increases in population and employment resulting from the planning proposal.

Council notes (in the planning proposal) that a detailed assessment of the social and economic impact of the proposal will be required as part of further studies.

4. FSR INCREASE ACROSS R4 HIGH DENSITY RESIDENTIAL

The blanket uplift in FSR from 1.4:1 to 2:1 across all R4 zoning within the LGA is likely to create a variety of social and environmental impacts.

Although no analysis of this proposal was provided as part of this proposal outcomes of previous consultant reports to council on aspects of the proposal can be found within the 20 October 2010 council meeting report. For instance:

*Resolution 1(b) was investigated by GMU to interrogate the appropriateness of increasing the floor space ratio (FSR) for residential flat building development in the R4 zone from 1.4:1 to 2:1. The conclusion of this work has found that the increase in FSR will:

- Significantly increase overshadowing to adjoining properties.
- Significantly impact on land where the R4 High Density zone adjoins the R2 Low Density and R3 Medium Density zones. In these locations, the building bulk between the two zones will be substantially different.
- Increase building bulk that would not fit within the available building envelope.
- Cause units to look directly at 18 metre walls, close to boundaries.
- Create a staggered and uneven streetscape where odd sites have 6 storey buildings next to 2 to 3 storey buildings.
- Create privacy issues where taller development overlooks one and two storey development.

The increase in FSR was not supported by GMU.

*The analysis also found that the work undertaken by Caldis Cook in April 2009 which led to an increase in the FSR from 1.2:1 to 1.4:1 for residential flat building development was robust. Specifically, it noted that the 1.4:1 FSR and height of 16 metres (4 storeys) "allows for a variety of different building configurations that can achieve positive amenity" (p.8). As such, GMU's work concluded that keeping the current 1.4:1 FSR in the Auburn LEP 2010 was appropriate.

*It was concluded that an increase in FSR to 2:1 investigated in Council's Urban Design

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Analysis (2009) by Caldis Cook, and more recently in GMU's Urban Design Density Study, was not favoured.

5. CONCLUSION

While the department supports the intent of increasing density within centres, the choosing of specific sites and FSRs as put forward by this proposal appears pre-emptive. Holistic studies are needed to look at all land in the town centres and R4 zoned land and consider current controls and constraints and then recommend, if required, amendments to current planning controls, including FSRs, and potentially, zoning and heights of buildings as well.

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Department of Education and Communities
Office of Environment and Heritage
Housing NSW
Energy Australia
Department of Health
NSW Police Service
Transport NSW
Sydney Water
Adjoining LGAs**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **Yes**

If Yes, reasons : **If approved to proceed further studies/information will be required and the results will need to be incorporated into an amended planning proposal. A further gateway determination will be required prior to exhibition.**

Identify any additional studies, if required. :

Heritage

Flooding

Economic

Social

Other - provide details below

If Other, provide reasons :

An Urban Design Density Study is required to:

***provide a holistic review of all planning controls within the walkable catchment of each town centre**

***demonstrate that sites recommended for increased density are capable of high quality designs and**

***that acceptable transitions between zones can be provided.**

Note that council already proposes to provide such a study however its scope requires expansion.

Identify any internal consultations, if required :

Residential Land Release (MDP)

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

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Documents

Document File Name	DocumentType Name	Is Public
Section 55 Letter - Planning Proposal for Increased FSR - Auburn City Council.pdf	Proposal Covering Letter	No
PP Figures only _Planning Proposal for Increased FSR _Auburn City Council_Part1.pdf	Map	No
PP Figures only _Planning Proposal for Increased FSR _Auburn City Council_Part2.pdf	Map	No
PP Figures only _Planning Proposal for Increased FSR _Auburn City Council_Part3.pdf	Map	No
PP Figures only _Planning Proposal for Increased FSR _Auburn City Council_Part4.pdf	Map	No
PP Figures only _Planning Proposal for Increased FSR _Auburn City Council_Part5.pdf	Map	No
PP Figures only _Planning Proposal for Increased FSR _Auburn City Council_Part6.pdf	Map	No
PP Figures only _Planning Proposal for Increased FSR _Auburn City Council_Part7.pdf	Map	No
PP Figures only _Planning Proposal for Increased FSR _Auburn City Council_Part8.pdf	Map	No
PP Figures only _Planning Proposal for Increased FSR _Auburn City Council_Part9.pdf	Map	No
PP Figures only _Planning Proposal for Increased FSR _Auburn City Council_Part10.pdf	Map	No
PP Figures only _Planning Proposal for Increased FSR _Auburn City Council_Part11.pdf	Map	No
PP Figures only _Planning Proposal for increased FSR _Auburn City Council_Part12.pdf	Map	No
PP Figures only _Planning Proposal for Increased FSR _Auburn City Council_Part13.pdf	Map	No
Planning Proposal-Final Low Res.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the following conditions be included in the Gateway determination:

1. the RPA is to prepare an Urban Design Density Study that covers both Auburn and Lidcombe Town Centres and all R4 zoned land to:
 - a. determine which sites are capable of supporting higher densities
 - b. determine where high quality sustainable designs are possible that minimise social and environmental impacts
 - c. resolve zone transition issues
 - d. ensure acceptable access to public transport and services
 - e. ensure any proposed FSR increases work with height limits to create a suitable urban form

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f. investigate and ensure appropriate zonings are provided within all town centre land.

2. The RPA is to prepare planning studies on the impact of the proposed controls on infrastructure capacity, including, but not limited to, water supply, sewerage, roads and public transport.

3. The RPA is to demonstrate that any proposed density increases are consistent with clause 9(a) of s.117 Direction 4.3 Flood Prone Land.

4. The planning proposal should be expanded to include estimates of the likely future increase in GFA, dwellings, population and employment resulting from the increased development controls.

5. The planning proposal is to be amended in order to incorporate outcomes of strategic planning studies.

6. resubmission of the planning proposal for a further Gateway determination prior to exhibition.

7. 12 month timeframe for completion.

8. 28 days for public exhibition.

Supporting Reasons :

No supporting studies have been provided to enable the department to be comfortable that appropriate urban forms can be provided that will not result in adverse social and environmental impacts. Contemporary (2009, 2010) council reports not supplied with this planning proposal have identified serious problems likely to result from blanket FSR increases.

While the department supports the intent of redevelopment/activation of the Auburn and Lidcombe Town Centres and increasing the available dwellings in R4 zoned land the department does not agree with the approach taken in the current proposal and would firstly prefer to see a study undertaken that identifies where and how any changes to the current planning controls may be needed which could then inform an amended planning proposal.

The expected large increase in development potential in Auburn and Lidcombe and other areas of the LGA resulting from this planning proposal may place substantial pressure on infrastructure in these areas, including water supply, sewerage, roads, and public transport. No assessment of likely impacts on infrastructure has been provided.

Approximately 50% of the Lidcombe Town Centre is situated in the Flood Planning Area identified in Auburn LEP 2010. The planning proposal does not provide adequate consideration of substantially increasing the population in areas affected by flood risk.

Information is not provided on the potential additional floor space that will result from the proposed controls, nor the number of dwellings/population or job numbers.

Signature:



Printed Name:

Stuart Withington

Date:

20/10/2011